

032504  
18379Please type a plus sign (+) inside this box → 

PTO/SB/05 (2/98)

Approved for use through 09/30/2000. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|  |  |  |   |                    |
|--|--|--|---|--------------------|
| <b>UTILITY<br/>PATENT APPLICATION<br/>TRANSMITTAL</b>  |  | <b>Attorney Docket No.</b>   | 2003-0176.02/4670-251   |                    |
|  |  | <b>First Inventor or Application Identifier</b>  |   | David S. MacMillan |
|  |  | <b>Title</b>   | <b>Electrophotographic Toner Regulating Member With Polymer Coating Having Surface Roughness Modified By Fine Particles</b> |                    |
| (Only for new nonprovisional applications under 37 CFR § 1.53(b))  |  | <b>Express Mail Label No.</b>  |   | EV 368752205 US    |
| <b>APPLICATION ELEMENTS</b><br><i>See MPEP chapter 600 concerning utility patent application contents.</i>   |  | <b>ADDRESS TO:</b><br>Mail Stop Patent Application<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450   |   |                    |
| 1. <input checked="" type="checkbox"/> *Fee Transmittal Form (e.g., PTO/SB/17)<br><i>(Submit an original and a duplicate for fee processing)</i><br>2. <input checked="" type="checkbox"/> Specification [Total Pages 29]<br><i>(preferred arrangement set forth below)</i><br>— Descriptive title to the Invention<br>— Cross References to Related Applications<br>— Statement Regarding Fed sponsored R & D<br>— Reference to Microfiche Appendix<br>— Background of the Invention<br>— Brief Summary of the Invention<br>— Brief Description of the Drawings (if filed)<br>— Detailed Description<br>— Claim(s)<br>— Abstract of the Disclosure<br>3. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 8 ]<br>4. <input checked="" type="checkbox"/> Oath or Declaration [Total Pages 5 ]<br>a. <input checked="" type="checkbox"/> Newly executed (original or copy)<br>b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d))<br><i>(for continuation/divisional with Box 17 completed)</i><br><i>[Note Box 5 below]</i><br>i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b><br><i>Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).</i><br>ii. <input type="checkbox"/> <b>Incorporation By Reference (useable if Box 4b is checked)</b><br><i>The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.</i> |  | 6. <input type="checkbox"/> Microfiche Computer Program (Appendix)<br>7. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission<br><i>(if applicable, all necessary)</i><br>a. <input type="checkbox"/> Computer Readable Copy<br>b. <input type="checkbox"/> Paper Copy (identical to computer copy)<br>c. <input type="checkbox"/> Statement verifying identity of above copies   |   |                    |
|  |  | <b>ACCOMPANYING APPLICATION PARTS</b>  |   |                    |
|  |  | 8. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))<br>9. <input type="checkbox"/> 37 C.F.R. § 3.73(b) Statement <input checked="" type="checkbox"/> Power of Attorney<br><i>(when there is an assignee)</i><br>10. <input type="checkbox"/> English Translation Document (if applicable)<br>11. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations<br>12. <input type="checkbox"/> Preliminary Amendment<br>13. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)<br><i>(Should be specifically itemized)</i><br>14. <input type="checkbox"/> *Small Entity <input type="checkbox"/> Statement filed in prior application, Status still proper and desired<br>15. <input type="checkbox"/> Certified Copy of Priority Document(s)<br><i>(if foreign priority is claimed)</i><br>16. <input checked="" type="checkbox"/> Other: Express Mail Certification |   |                    |
|  |  | <b>*NOTE FOR ITEMS 1 &amp; 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).</b>  |   |                    |
| 17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary statement:<br><input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP)    of prior application No: _____ / _____<br><i>Prior application information:</i> <i>Examiner:</i> <i>Group/Art Unit:</i>  |  |  |   |                    |
| <b>18. CORRESPONDENCE ADDRESS</b>  |  |  |   |                    |
| <input type="checkbox"/> Customer Number                          or <input checked="" type="checkbox"/> Correspondence address below  |  |  |   |                    |
| NAME   | LEXMARK INTERNATIONAL, INC.<br>ATT: JOHN J. McARDLE, JR. |  |   |                    |
| ADDRESS  | 740 WEST NEW CIRCLE ROAD                                 |  |   |                    |
| CITY   | LEXINGTON  | STATE  | KY  | ZIP CODE           |
| COUNTRY  | USA  | TELEPHONE  | 859-232-3939  | FAX                |
| Name (Print/Type)  | John R. Owen   |  | Registration No. (Attorney/Agent)   | 42,055             |
| Signature  | <i>John R. Owen</i>                                      |  | Date  | March 25, 2004     |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

10800123 U.S. PTO

032504

032504  
1837

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**

Patent fees are subject to annual revision on October 1

These are the fees effective December 29, 1999.

Small Entity payments must be supported by a small entity statement.  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

**TOTAL AMOUNT OF PAYMENT** (\$1,260.00)

Complete if Known

|                      |                       |
|----------------------|-----------------------|
| Application Number   | TBA                   |
| Filing Date          |                       |
| First Named Inventor | David S. MacMillan    |
| Examiner Name        | TBA                   |
| Group Art Unit       | TBA                   |
| Attorney Docket No.  | 2003-0176.02/4670-251 |

**METHOD OF PAYMENT** (check one)

1.  The Commission is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 18-1167

Deposit Account Name Coats & Bennett, P.L.L.C.

Charge Any Additional Fee Required Under 37 CFR §§1.16 and 1.17  Charge the Issue Fee Set In 37 CFR §1.18 at the Mailing of the Notice of Allowance

2.  Payment Enclosed:

Check  Money Order  Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid   |
|----------------------------|----------------------------|------------------------|------------|
| 101                        | 770                        | Utility filing fee     | 770.00     |
| 106                        | 310                        | Design filing fee      |            |
| 107                        | 480                        | Plant filing fee       |            |
| 108                        | 760                        | Reissue filing fee     |            |
| 114                        | 150                        | Provisional filing fee |            |
| <b>SUBTOTAL (1)</b>        |                            |                        | (\$770.00) |

**2. EXTRA CLAIM FEES**

| Total Claims | Independent Claims | Extra Claims | Fee from below   | Fee Paid |
|--------------|--------------------|--------------|------------------|----------|
| 45           | 3                  | -20** = 25   | X 18.00 = 450.00 |          |
|              |                    | -3** = 0     | X 86.00 = 0.00   |          |
|              |                    |              |                  |          |

\*\* or number previously paid, if greater; For Reissues, see below

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description   |
|----------------------------|----------------------------|---|
| 103                        | 18                         | 203 9 Claims in excess of 20                                    |
| 102                        | 78                         | 202 39 Independent claims in excess of 3                        |
| 104                        | 260                        | 204 130 Multiple dependent claim                                |
| 109                        | 78                         | 209 39 **Reissue Independent claims over original patent        |
| 110                        | 18                         | 210 9 **Reissue claims in excess of 20 and over original patent |
| <b>SUBTOTAL (2)</b>        |                            | (\$450.00)  |

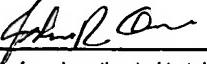
**3. ADDITIONAL FEES**

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description   | Paid  |
|----------------------------|----------------------------|---|-------|
| 105                        | 130                        | 205 65 Surcharge - late filing fee or oath  |       |
| 127                        | 50                         | 227 25 Surcharge - late provisional filing fee or cover sheet                     |       |
| 139                        | 130                        | 139 130 Non-English specification   |       |
| 147                        | 2,520                      | 147 2,520 For filing a request for reexamination                                  |       |
| 112                        | 920*                       | 112 920* Requesting publication of SIR prior to Examiner action                   |       |
| 113                        | 1,840*                     | 113 1,840* Requesting publication of SIR after Examination action                 |       |
| 115                        | 110                        | 215 55 Extension for reply within first month                                     |       |
| 116                        | 380                        | 216 190 Extension for reply within second month                                   |       |
| 117                        | 870                        | 217 435 Extension for reply within third month                                    |       |
| 118                        | 1,360                      | 218 680 Extension for reply within fourth month                                   |       |
| 128                        | 1,850                      | 228 925 Extension for reply within fifth month                                    |       |
| 119                        | 300                        | 219 150 Notice of Appeal  |       |
| 120                        | 300                        | 220 150 Filing a brief in support of an appeal                                    |       |
| 121                        | 260                        | 221 130 Request for oral hearing  |       |
| 138                        | 1,510                      | 138 1,510 Petition to institute a public use proceeding                           |       |
| 140                        | 110                        | 240 55 Petition to revive - unavoidable   |       |
| 141                        | 1,210                      | 241 605 Petition to revive - unintentional  |       |
| 142                        | 1,210                      | 242 605 Utility issue fee (or reissue)  |       |
| 143                        | 430                        | 243 215 Design issue fee  |       |
| 144                        | 580                        | 244 290 Plant issue fee   |       |
| 122                        | 130                        | 122 130 Petitions to the Commissioner   |       |
| 123                        | 50                         | 123 50 Petitions related to provisional applications                              |       |
| 126                        | 240                        | 126 240 Submission of Information Disclosure Stmt.                                |       |
| 581                        | 40                         | 581 40 Recording each patent assignment per property (times number of properties) | 40.00 |
| 146                        | 760                        | 246 380 Filing a submission after final rejection (37 CFR 1.129(a))               |       |
| 149                        | 760                        | 249 380 For each additional invention to be examined (37 CFR 1.129(b))            |       |
| Other fee (specify)        |                            |   |       |
| Other fee (specify)        |                            |   |       |

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$40.00)****SUBMITTED BY**

Complete (if applicable)

|                       |   |             |                |
|-----------------------|---|-------------|----------------|
| Typed or Printed Name | John R. Owen  | Reg. Number | 42,055         |
| Signature             |  | Date        | March 25, 2004 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
MacMillan, et al. )  
Serial No.: Unknown )  
Filed: )  
Title: ELECTROPHOTOGRAPHIC TONER )  
REGULATING MEMBER WITH POLYMER )  
COATING HAVING SURFACE ROUGHNESS )  
MODIFIED BY FINE PARTICLES )  
Attorney's Docket No: 2003-0176.02/4670-251 )

**EXPRESS MAIL CERTIFICATION  
LABEL NO.: EV 368752205 US**

Raleigh, North Carolina  
March 25, 2004

MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

**EXPRESS MAIL CERTIFICATE LABEL NO.: EV 368752205 US**

**DATE MAILED: March 25, 2004**

I hereby certify that the enclosed US Utility Patent Application Transmittal Form, Fee Transmittal Form (2 Copies), specification and claims, drawings (1 set of 8 sheets), Declaration and Power of Attorney, Assignment and Recordation Sheet, Information Disclosure, and our check number 11524 in the amount of \$1,260.00 are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to: **Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Respectfully submitted,

**COATS & BENNETT, P.L.L.C.**

By:

  
John R. Owen

Registration No. 42,055

Telephone: (919) 854-1844